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Paper 32

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PETER G. KLIMKO,
MARK R. HELLBERG and PAUL W. ZINKE,

Junior Party,
(Application 09/284,432),

v.

EIICHI SHIRASAWA,
MASAAKI KAGEYAMA, NOBUAKI MORI,
KAZUHISA SAKATA, TAKASHI NAKANO,
YASUSHI MATSUMURA, and YOSHITOMI MORIZAWA

Senior Party,
(Application 09/147,837).

Patent Interference No. 104,705

Before SCHAFER, SPIEGEL, and LANE, Administrative Patent Judges.

LANE, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Shirasawa has filed a paper requesting adverse judgment under 37 CFR § 1.662 (Paper 29).

Upon consideration of the record of the interference, it is
ORDERED that judgment as to Count 1 and Count 2, the

only counts in the interference, is awarded against senior party EIICHI SHIRASAWA, MASAAKI KAGEYAMA, NOBUAKI MORI, KAZUHISA SAKATA, TAKASHI NAKANO, YASUSHI MATSUMURA, and YOSHITOMI MORIZAWA;

FURTHER ORDERED that senior party, EIICHI SHIRASAWA, MASAAKI KAGEYAMA, NOBUAKI MORI, KAZUHISA SAKATA, TAKASHI NAKANO, YASUSHI MATSUMURA, and YOSHITOMI MORIZAWA, is not entitled to a patent containing claims 11-20 and 24-33 of application 09/147,837, which correspond to Count 1;

FURTHER ORDERED that senior party, EIICHI SHIRASAWA, MASAAKI KAGEYAMA, NOBUAKI MORI, KAZUHISA SAKATA, TAKASHI NAKANO, YASUSHI MATSUMURA, and YOSHITOMI MORIZAWA, is not entitled to a patent containing claims 21-23 of application 09/147,837, which correspond to Count 2; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Klimko's 09/284,432 application and Shirasawa's 09/147,837 application.

RICHARD SCHAFFER)
Administrative Patent Judge)

CAROL A. SPIEGEL)
Administrative Patent Judge)

) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
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SALLY GARDNER LANE)
Administrative Patent Judge)

cc (via facsimile and first class mail):

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